

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA, )  
vs. )  
HEATHER GARRICK, ) CRIMINAL ACTION 09-00231-CG-N  
Defendant. )

## ORDER

This action is before the Court on the United States' motion to continue the February 2010 trial of this matter for Pre-Trial Diversion (Doc. 28). Assistant U.S. Attorney Michele O'Brien has informed the Court that the United States has recommended that the Defendant participate in the Pre-Trial Diversion program administered by the United States Probation Office; and that while she has been unsuccessful in attempting to contact defense counsel before filing this motion "has a good faith belief that the Defendant would join in the request for a continuance . . ." (Doc. 28 at 1). However, additional time is necessary for the United States Probation Office to interview and evaluate the Defendant to determine her suitability for the program and the appropriate conditions.

The Court finds that the period of time during which prosecution is deferred is excludable pursuant to 18 U.S.C. § 3161(h)(2). Accordingly, this case is hereby **CONTINUED** to the **March 2010** trial term and the United States is **ORDERED** to notify the Court as to the decision of the United States Probation Office.

**DONE** and **ORDERED** on this the 27<sup>th</sup> day of **January** 2010.

/s/ Kristi K. DuBose  
**KRISTI K. DUBOSE**  
**UNITED STATES DISTRICT JUDGE**